

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STEVEN K. SMITH,

Plaintiff,

v.

BIGGE CRANE & RIGGING, CO., et al.,

Defendants.

Case No.: C 05-2049 PVT

**ORDER SETTING ASIDE DEFAULT
AS TO DEFENDANT BIGGE CRANE
& RIGGING CO.**

On July 5, 2005 Plaintiff filed a Request for Entry of Default as to Defendant Bigge Crane & Rigging Co.¹ On July 6, 2005, Plaintiff and Defendant Bigge Crane & Rigging Co. filed a Stipulation to Set Aside Default as to Defendant Bigge Crane & Rigging Co., despite the fact that no default had yet been entered. On July 7, 2005, this court issued an Order re Stipulation to Set Aside Default as to Defendant Bigge Crane & Rigging Co, instructing the clerk not to enter the default. However, while this court was preparing its order and before the clerk of the court was aware of it, the clerk entered the default. Based on this court's July 7, 2005 order and the file herein,

IT IS HEREBY ORDERED that the default entered against Defendant Bigge Crane & Rigging Co. be, and hereby is, SET ASIDE.

Dated: 7/8/05

/s/ Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.